

The opinion in support of the decision being entered today was not written for publication and is not binding precedent of the Board.

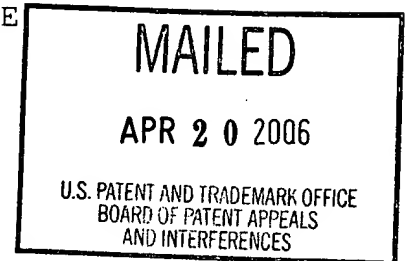
UNITED STATES PATENT AND TRADEMARK OFFICE

**BEFORE THE BOARD OF PATENT APPEALS
AND INTERFERENCES**

Ex parte JEAN-PIERRE MARTINIERE

Appeal No. 06-0578¹
Application No. 09/719,370

ON BRIEF



Before JERRY SMITH, RUGGIERO, and BARRY, Administrative Patent Judges.

JERRY SMITH, Administrative Patent Judge.

DECISION ON APPEAL

This is a decision on the appeal under 35 U.S.C. § 134 from the examiner's rejection of claims 12, 14-24 and 26-32, which constitute all the claims pending in this application.

¹ This application was mistakenly docketed twice and given appeal numbers 2006-0578 and 2006-0634. Accordingly, the assignment of appeal number 2006-0634 is hereby vacated.

The disclosed invention pertains to a method and apparatus for functionally linking primary equipment units and a browser based manager equipment unit that communicates with all the primary equipment units. One feature of the invention is that a home page from the manager equipment unit can be downloaded into any of the primary equipment units to form a home page for all the equipment units so that the primary equipment units can carry out the functions of the other primary equipment units and the manager equipment unit.

Representative claim 12 is reproduced as follows:

12. A method of functionally linking plural primary equipment units and a manager equipment unit likely to communicate with all the primary equipment units, comprising:

a preliminary step of storing presentations of equipment units in memory in the respective units or in the manager equipment unit, the presentation of each equipment unit including at least one link to a function of the equipment unit;

recovering or selecting in said manager equipment unit the presentation of a given primary equipment unit;

linking said given primary equipment unit to said manager equipment unit and said already-linked other primary equipment units by composing a home page at said manager equipment unit, the home page being composed by using at least (a) the presentation of said manager equipment unit, (b) the presentations of the other primary equipment units already linked, and (c) the presentation of said given primary equipment unit; and

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It is our view, after consideration of the record before us, that the disclosure of Humpleman does fully meet the invention as set forth in the claims on appeal. Accordingly, we affirm.

Anticipation is established only when a single prior art reference discloses, expressly or under the principles of inherency, each and every element of a claimed invention as well as disclosing structure which is capable of performing the recited functional limitations. RCA Corp. v. Applied Digital Data Systems, Inc., 730 F.2d 1440, 1444, 221 USPQ 385, 388 (Fed. Cir.); cert. dismissed, 468 U.S. 1228 (1984); W.L. Gore and Associates v. Garlock, Inc., 721 F.2d 1540, 1554, 220 USPQ 303, 313 (Fed. Cir. 1983), cert. denied, 469 U.S. 851 (1984).

The examiner has indicated how the claimed invention is deemed to be fully met by the disclosure of Humpleman [answer, pages 8-17]. With respect to independent claims 12 and 24, appellant argues that Humpleman fails to disclose the downloading requirements of these claims that enable the primary equipment units to carry out the functions of the other primary equipment

units and the manager equipment unit. According to appellant, all functions of devices 104, 108, 110 and 120 in Humpleman can be carried out only by digital TV 102 or the PC [brief, pages 11-12]. The examiner responds that Humpleman teaches that other home devices that have a display capability may be used to provide the human interface. The examiner again cites several portions of Humpleman in support of the rejection [answer, pages 19-21].

We will sustain the examiner's rejection of claims 12 and 24. As noted by the examiner, Humpleman teaches that

other home devices having a display capability may be used to provide the human interface. Thus, in certain embodiments of the inventions, a device such as a personal computer ("PC") is used to provide the human interface for a respective home network [column 6, lines 17-21].

Humpleman also teaches that

A device connected to the home network that has a viewable display (e.g., screen) and employs the browser technology may receive and interpret the HTML files associated with the home devices connected to the home network, and graphically display the information contained therein using a GUI on its screen [column 7, lines 53-58].

We interpret these passages as disclosing that any of the equipment units in Humpleman can operate as the manager equipment unit as long as the equipment unit has display capability for displaying the HTML home page. Humpleman also discloses that one equipment unit can fetch a GUI from a second device [column 5, lines 18-22]. Thus, Humpleman discloses that the HTML home pages of the various equipment units can be transferred or downloaded from each of the other equipment units. In view of these passages cited by the examiner, we agree with the examiner that Humpleman teaches that the home page of each equipment unit can be downloaded to any of the other equipment units so that control of the network can take place from any of the equipments units. For purposes of this decision, the equipment units of Humpleman are only those units which have display and browser capability.

With respect to claims 14 and 26, appellant argues that there is nothing in the cited portions of Humpleman to indicate that the units of Humpleman function as browsers [brief, pages 12-13]. The examiner responds that Humpleman meets the claimed

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invention because the session manager obtains the particular capabilities of the selected home device which includes standard named functions [answer, page 22].

We will sustain the examiner's rejection of claims 14 and 26 for reasons argued by the examiner in the answer. We also reiterate our position from above that Humpleman teaches that any of the equipment units with display and browser capability can be used to display the home page of each of the other equipment units on the network.

With respect to claim 17, appellant broadly argues that the cited portions of Humpleman fail to meet the claimed invention [brief, page 13]. The examiner responds that Humpleman teaches using an interface between the home network and the Internet for remotely controlling the home network [answer, page 23].

We will sustain the examiner's rejection of claim 17. Appellant's general rebuttal fails to persuade us of error in the examiner's rejection.

With respect to claim 18, appellant broadly argues that the cited portions of Humpleman fail to meet the claimed invention [brief, pages 13-14]. The examiner responds by explaining how the cited portions of Humpleman meet the claimed invention [answer, pages 24-25].

We will sustain the examiner's rejection of claim 18. Appellant's general rebuttal fails to persuade us of error in the examiner's rejection.

With respect to claim 19, appellant broadly argues that the cited portions of Humpleman fail to meet the claimed invention [brief, page 14]. The examiner responds by explaining how the cited portions of Humpleman meet the claimed invention [answer, pages 25-26].

We will sustain the examiner's rejection of claim 19. Appellant's general rebuttal fails to persuade us of error in the examiner's rejection.

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With respect to claim 20, appellant broadly argues that the cited portions of Humpleman fail to meet the claimed invention [brief, pages 14-15]. The examiner responds by explaining how the cited portions of Humpleman meet the claimed invention [answer, pages 26-27].

We will sustain the examiner's rejection of claim 20. Appellant's general rebuttal fails to persuade us of error in the examiner's rejection.

With respect to claims 23 and 30, appellant broadly argues that the cited portions of Humpleman fail to meet the claimed invention [brief, pages 14-15]. The examiner responds by explaining how the cited portions of Humpleman meet the claimed invention [answer, pages 27-28].

We will sustain the examiner's rejection of claim 23 and 30. Appellant's general rebuttal fails to persuade us of error in the examiner's rejection.

In summary, we have sustained the examiner's rejection of the claims with respect to each of the claims argued by appellant. We also sustain the examiner's rejection of each of

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the other claims on appeal because they have not been argued. Therefore, the decision of the examiner rejecting claims 12, 14-24 and 26-32 is affirmed.

No time period for taking any subsequent action in connection with this appeal may be extended under 37 CFR § 1.136(a)(1)(iv).

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AFFIRMED

Jerry Smith
JERRY SMITH

JERRY SMITH
Administrative Patent Judge

JOSEPH F. RUGG

JOSEPH F. RUGGIERO
Administrative Patent Judge

BOARD OF PATENT
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AND
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LANCE LEONARD BARRY

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